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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,442	12/05/2003	Brett Anthony Cheng	VP102	1018
20178 7590 03/20/2008 EPSON RESEARCH AND DEVELOPMENT INC INTELLECTUAL PROPERTY DEPT 2580 ORCHARD PARKWAY, SUITE 225 SAN JOSE, CA 95131				
			EXAMINER	
			MISKA, VIT W	
			ART UNIT	PAPER NUMBER
			2833	
			MAIL DATE	DELIVERY MODE
			03/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,442

Applicant(s)

CHENG, BRETT ANTHONY

Examiner

Vit W. Miska

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al (6678215) in view of Kushita (5444672).. The Treyz et al reference discloses a timekeeping device 12 (Figs. 1,2,4) that counts local time (col. 9, line 42) and includes a display 64, time synchronization client 58, 68 and a wireless communication device 74 that connects the time synchronization client to an access point 44 capable of accessing a time server 26 through a network 18, the time synchronization client transmitting a query signal (col. 9, lines 38-39) for querying the time server 26 through the network 18 to receive a current server time and adjusting the local time (col. 9, lines 37,41) , further including a transmitter 76 for wirelessly transmitting the query signal to the access point.

2. The "time synchronization client" is not referred to as such in Treyz, however it is apparent that clock 12 performs the time adjusting or synchronization function after receiving the server time se described at col. 9, lines 35ff. Circuitry 58 is described as "used to control the operation of alarm clock radio 12" (col. 12, line 48), and thus one skilled in the art would recognize that circuit 58, 68 and/or other portions of the clock as

shown in Fig. 4 perform the function of querying the time server 26 to receive and adjust the time, as suggested at col. 9, lines 35ff.

3. Treyz et al does not suggest powering down the synchronization client when not transmitting. Kushita teaches turning power off to a receiving circuit 5 by controller 27 when not receiving time signals in a wireless paging system. It would therefore be obvious for one of ordinary skill in the art to provide such a standby mode for the portions of synchronization client 58,68 in Treyz et al which transmit and receive the wireless signals in order to conserve battery power, as taught by Kushita.

4. With respect to claim 10, a time zone adjustment is suggested at col. 22, line 63, thus requiring some type of memory for storing this information.

Response to Arguments

5. Applicants comments have been given careful consideration, but have not been found persuasive. The argument that it would not be obvious to power down the time synchronization client during the time of inactivity in Treyz et al as taught by Kushita because the device of Treyz et al is a clock that is typically plugged into a wall outlet and is not concerned with power consumption is not convincing. The teaching of

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Kushita is applicable to any device receiving external signal at periodic intervals. The benefits of powering down the receiving circuit when not receiving signals in Treyz et al would be apparent to one skilled in the art primarily as a power saving feature, but also as a means to deactivate unnecessary circuits. Further, Treyz et al suggest at col. 20, lines 1-2 that a battery may be provided, thus further indicating obviousness of providing the power saving feature of Kushita to conserve the battery.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Bradley can be reached on 571-272-2001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vit W. Miska/

Primary Examiner, Art Unit 2833